

Congresswoman Lofgren Calls on Colleagues to Oppose the CLEAR Act

Legislation Would Cause Serious Problems for Local Law Enforcement

Media Contact: Christine Glunz, 202.225.3072

Washington, DC – Today, U.S. Representative Zoe Lofgren (D-San Jose) called on her fellow colleagues in the Subcommittee on Immigration, Border Security, and Claims to oppose the Clear Law Enforcement for Criminal Alien Removal Act or CLEAR Act. Lofgren issued the following statement during the subcommittee hearing on the bill: o:p>

“Mr. Chairman, this bill, the ‘Clear Law Enforcement for Criminal Alien Removal Act’, has so many things wrong with it, we would have to be here for hours just to list them. With every new read of this bill, I discover more and more problems that raise very serious concerns. Let me just list a few.

“First, who better to listen to about law enforcement than the individuals responsible for keeping us safe – our local police chiefs? I have listened and they tell me this bill would be terrible for their police forces.

“In a letter to Senator Feinstein, the California Police Chiefs’ Association says, ‘It is the strong opinion of the California Police Chiefs’ Association that in order for local and state law enforcement organizations to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status.’

“Their letter continues, ‘the proposed CLEAR Act, however, undermines the fundamental partnerships that our police agencies have with their communities. That partnership is essential to effective law enforcement.’ Let me repeat, the California Police Chiefs’ Association, comprised of experts on law enforcement, says the CLEAR Act will undermine the fundamental partnerships with communities that are essential to effective law enforcement. If this does not convince everyone that this is a bad bill, then I don’t know what will.

“Second, I am concerned about the additional funding this bill will purportedly authorize for our already strapped local law enforcement agencies. Every year it is a fight to get the little reimbursements we can from the State Criminal Alien Assistance Program (SCAAP). The President zeros out the SCAAP budget and we fight to get whatever we can.

“Moreover, SCAAP reimbursements currently only allow for reimbursements for criminal aliens, not immigration violators without criminal history. This bill will give no SCAAP funding for all the new non-criminal immigrants the local police will have to hold in their jails and prisons.

“Furthermore, the Department of Justice is trying to eliminate funding for so-called “unverifiable” claims for reimbursement that could cut reimbursements in my home state of California by fourteen percent. They have also decided to change reimbursements so that states will only be reimbursed for convicted criminals. That would mean further cuts by about 18 percent around the country.

“With all these cuts in SCAAP and restrictions on the reimbursement formula, how do we expect that states will be reimbursed for all the new non-criminal aliens they are supposed to detain?

“Our local police officers are already strapped for cash trying to deal with local law enforcement and now with homeland security. How are they expected to do their regular job, homeland security, and now immigration enforcement that they are not even trained to do?

“California has the highest SCAAP funding levels and the highest number of undocumented immigrants. We will have to shoulder most of the burden without reimbursement for a job that belongs to the federal government.

"Another serious concern is with the language of this legislation. It states 'Notwithstanding any other provision of law and reaffirming the existing general authority, law enforcement personnel of a State or a political subdivision of a State are fully authorized to investigate, apprehend, detain, or remove aliens in the United States . . .'

"What does it mean to 'investigate, apprehend, detain, or remove' aliens? We have an entire immigration law written for the federal Department of Homeland Security, not for local law enforcement. Every detail is set out in the Immigration and Nationality Act for the federal government, not state and local law enforcement.

"Finally, as a member of the Select Committee on Homeland Security, I am very concerned that the Department of Homeland Security will become so bogged down in answering calls from local law enforcement about non-criminal immigrants that they will be diverted from their primary mission – protecting us from terrorism.

"These are just some of my concerns with the CLEAR Act. I have many others, from the overload on the National Criminal Information Center (NCIC) database to the high potential for profiling this bill will create.

"This is a terrible bill that will have reverberating effects not only on immigrants around the country, but also on our national security, and the ability for our local law enforcement to keep us safe. I hope members on this Subcommittee will listen to the experts and oppose the CLEAR Act."